

HONORABLE MARSHA J. PECHMAN

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OCT 25 2006

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

M2 INNOVATIVE CONCEPTS, INC., a
Washington Corporation,

Plaintiff,

v.

ANN SACKS TILE & STONE, INC., an
Oregon Corporation; and KOHLER CO.,
INC., a Wisconsin Corporation,

Defendants.

NO. CV 06-0111 MJP

STIPULATION OF DISMISSAL
WITH PREJUDICE

Plaintiff M2 Innovative Concepts, Inc. and Defendants Ann Sacks Tile & Stone, Inc. and Kohler Company, Inc., by their undersigned counsel and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby stipulate to the dismissal, with prejudice, of all claims and counterclaims in this action and agree to waive all appeals from the dismissal of this action pursuant to this stipulation. Each party shall bear its own costs and attorney fees.

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06-CV-00111-ORD

STIPULATION OF DISMISSAL - 1
CV 06-0111 MJP

MERCHANT & GOULD P.C.
701 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 342-6200

1 SO STIPULATED AND AGREED TO BY:

2 Dated this 24th day of October, 2006.

3 /s/ David J. Lawyer

4 David J. Lawyer, WSBA # 16353
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10 Counsel for M2 Innovative Concepts, Inc.

/s/ Regina V. Culbert

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19 Counsel for Ann Sacks Tile & Stone, Inc. and
20 Kohler Company, Inc.

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STIPULATION OF DISMISSAL - 2
CV 06-0111 MJP

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ORDER

IT IS SO ORDERED:

DATED: Oct 24, 2006


U.S. DISTRICT JUDGE MARSHA J. PECHMAN

STIPULATION OF DISMISSAL - 3
CV 06-0111 MJP

MERCHANT & GOULD P.C.
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SEATTLE, WASHINGTON 98104
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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2006, I caused the foregoing STIPULATION OF DISMISSAL WITH PREJUDICE to be filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via email:

David James Lawyer
dlawyer@insleebest.com

Dated: October 24, 2006

By: /s/ Regina V. Culbert
Regina V. Culbert (WSBA 30213)